DearJim, CBS special, 11/25/75 HW 11/26/75

I did make a few notes. No more than two pages are necessary. Because there is another kind of approach Ix must also take, a minor commission on this for a minor publication but for which I'll also get a minor fee, I'm not going into full detail now. Besides, I couldn't sleep despite a pill and want to get things cleaned up so perhaps later I can take a nap. I should.

I am not at all opposed to joining Howard in an action. However, I feel strongly that Howard should be. It is too dangerous and can be used against him until after he is licensed as a lawyer at least. Unless he feels otherwise I'm discouraging him with a carbon very strongly. (In the event I forgot to ask him if he'd care to join me.) I'd prefer to use him an an expert witnesses in several areas, some of which may not occur to him independently.

In addition to the approach we have taken directly with CBS, although it is supposed to be done ultimately with FCC, there is an much stronger one I will urge, one we have never considered. Plus the one about restraint of trade of unfair competition of which Kabak spoke.

I think that aside from the subject, on which all Establishmentarians are not our natural allies, this one show makes the best fairness-doctrine case I can think of and there are those who todat are fighting to save what is left of it. The combination prompts me to urge that except for any explorations you may make no discussion of this proposal.

Sue them and the advertisers for fraud. For at least the avlue of all the commercial time represented and in potential all four shows, depending on what happens after tonight, when I expect the same kind of show and in areas of my own work again.

Remember, you were there when I made offers to Birnbaum. I made them to others and have records and have proof they know of my work, including Post Mortem.

If we had one decent forensic pathologist with balls and indignation about the corruption of their profession we could do even more. But I'd have no reluctance in getting head-to-head with their "expert," of whom I've known for some time. I think I sent you a memo when CBS cabled Marshall in England for permission for this cat to see the materials. I also think he has taken an anti-Joling position but Joling's complications are too much for me to associate with. If he'd be interested.

The deliberateness~~xxx~~ of the fraud and of the misrepresentations could not be more apparent because CBS did this all by itself. It used its own expert, using the least informed and least current of the "critics" as pseudo-respectables and pseudo-experts.

I sustain commercial damage via the new book. CBS was the only radio net not to be in touch with me or use me on it~~too~~.

The expert could not have been more unprofessional. He was rigged into a script that while it did not enable him to escape falsehood entirely did to his knowledge as an expert put him in the position of giving t estimony that he knew was deceptive and could to his knowledge have had no other intent. This is the advantage of their using an expert. If the playboys had had brains and less personal ambition we could move for his and Francisco's disaccreditation, too.

I did propose to both Midgley and his then boss in honest form what they did dishonestly. (They used some of the same fakes this trip, from that show.) I was then told that I could sue them for the total cash value of that show. I don't recall by whom except that it was in Calif., by two lawyers there.

I did make a direct tape. That is, from the TV mix directly into the tape recorder. I did clean the heads first. I did use a supposedly good-quality cassettte rather than the cheap ones. But I do not know what the quality is. I have not listened to it and for some purposes, including that of the commission referred to, the quality to the ear may not be all that counts. The Enquirer is considering a variety of approaches I made. This is the one that is their's alone:PSE. I opposed it.

On fact there is not even an unreasonable question: they rigged a fraud.

The trickery involved was even very cheap. You may have noticed that they used only part of the body chart, the wrong part, and only the upper half of it, and then said that a/ Burkley verified it and that he ,personally, gave orders not to dissect. He won't dare but he can sue on this. He is not the one. Nor was he the senior of those present and in a position to give the order. With the show having been previewed, the prospects of print-press denial by him now seem slight unless he was not asked first. We'll have to wait and see, but he is in a bad position.

There are deliberate lies in the script not by the experts but by CBS alone that it has to know are lies and it has me on tape from April, when it used me, showing them to be lies. Example; denial that any decision is possible re single-bullet theory when I've filed the suits and obtained definitive results on the shirt and tie. Not that this is all, but it is part of what CBS taped me on (the rest the curbstone) at the NYU/Roosevelt Hotel Pressconference. And used and used and used on local NYC radio it owns.

The use of Belin, who rpeated the same stuff at Vanderbilt, on the timing of the one alleged Connally shot, is also interesting because it is the second crucial area of evidence outside his field in which he claims to have taimn a leading position on the Commission instead of his field. The other was Ruby and the lie-detector test.

We'll eventually get texts. I'm sure I'll see more then.

I was told in advance that they'd use McKeown this way but couldn't believe they'd go for so inherently insane a story. I did expect them to use Alba, where they could have hoked up a legitimate claim of this kind. The weakness of using Alba was not apparent to me until I saw this show. Their approach is to claim the work was all bad but the officialdom blundered through to the correct results.

Meanwhile, I'm learning a little of what is going on in the Senate. I had a long account of one of last weeks sessions and will be getting a longer and personal one this weekend. Last night I had an hour-long call from Orestes. Please say nothing of this because he is paranoid about it. But he is to be a witnesses and I know when and in general on what. His call included his experiences with CBS. He says they used my name to approach him and once he started talking about me, favorably, as an honest man who tried hard and honorably, they turned off. His contraction:they don't like you. Now it happens that I have a tape of that preliminary researcher's conversation. First it makes explicit that it is understoodm to begin with that I am not giving any of my rights away and that I would tell them of my work, which includes Orestes, only for their understanding of the overall. It seems that they havefilmed Orestes, which does not mean they will air him. He told me the crew totally about 10 and used his her in the pix. Until this is aired or ignored, which means tonight, there is one aspect that uniquely mine and published. (My tapes with Esteban show the same' I'm not giving my work away and it is not to be used as leads in any CBS investigation and I have the tapes in the envelope in which she returned them.

With a good and wealthy lawyer willing to run some risk the prospects are, I think, quite good....I'll try and get some rest during the day so I can be alert tonight. Meanwhile, I hope you have recorded your impressions. I'm wondering if Rothblatt would be interested in this kind of case? I have ways of reaching him now, I think.

Best,